SENATE DEMOCRATIC CAUCUS

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FOR IMMEDIATE RELEASE CONTACT: DON HAZAERT

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DEMOCRATS STRENGTHEN SAFEGUARDS FOR NURSING HOME PATIENTS

Cherry measure provides recourse for victims of abuse

LANSING- Michigan Senate Democrats won approval today of an amendment that will provide nursing home patients with new legal recourse should they be abused or sexually assaulted by nursing home employees. The new law, as amended, will hold nursing homes liable for the actions of their employees, if the facility fails to perform state-mandated background checks on their workers.

"Nursing home patients are frequently incapable of protecting themselves and are often completely dependent on the professionalism and ethics of the in-patient facility," said Sen. Deb Cherry (D-Burton), sponsor of the amendment. "This measure will help make sure that if a facility doesn't follow the letter of the law, there will be consequences."

The need for new protections for nursing home patients was evidenced by the recent case of 19-year-old Jennifer Cawood, a closed-head injury victim, who was sexually assaulted while at an Ann Arbor group home. The courts ruled that the nursing facility bore no liability for the actions of its unsupervised employee.

"This is a last resort for families that have been failed by the system," said Sen. Mark Schauer (D-Battle Creek). "It will encourage in-patient care facilities to go the extra mile to make sure incidents like these do not happen in the first place."

Sen. Cherry, a member of Governor Granholm's long-term care commission, has long championed senior care and consumer protection issues. Her amendment was adopted with bipartisan support and the bills now head to the House of Representatives for consideration.

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